

REMARKS

In the outstanding Official Action, the Examiner set forth a Restriction Requirement. In particular, the Examiner required restriction of the claims in the present application to one of two inventions in accordance with 35 U.S.C. § 121. The inventions identified by the Examiner and the claims directed to each are as follows:

Group I. Claims 1-3, 5-7, 10-13, 26-28 and 30-32, which are drawn to a securing device and which is classified in class 403, subclass 308.

Group II. Claims 25, 29 and 33, which are drawn to a method of securing a spring to a reciprocating device and which is classified in class 29, subclass 700.

The Examiner noted that claims 4, 8 and 13 are still withdrawn based on the election of species requirement previously made in the present application.

As noted above, Applicants have elected, with traverse, the invention identified by the Examiner as comprising Group I, to which claims 1-3, 5-7, 10-13, 26-28 and 30-32 are directed.

As noted above, Applicants respectfully traverse the above Restriction Requirement and submit that it is inappropriate. In this regard, Applicants note that the Examiner has identified inventions 1 and 2 as product and process of use. The Examiner further asserted that in the instant case, the securing device can be used as a coupling between a power transmission between a driving member and a driven member. Thus, the Examiner asserted that the process for using the product, as claimed, can be practiced with another materially different product.

However, this is incorrect. In particular, Applicants' claims 1, 5 and 10 which are all identified as belonging to Group I, do not preclude the use of the claimed product as a coupling in a power transmission between a driving member and a driven member. Accordingly, the Examiner has not shown the above-identified inventions to be distinct based on his own characterization

thereof. For this reason, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate and should be withdrawn.

Additionally, Applicants respectfully submit that because the claims in the present application are directed to a device and a related method, at least for efficiency of examination purposes, they should be considered together. In other words, the searches for these two groups of inventions would contain a significant amount of overlap and thus examining all of the claims in the present application would ensure efficient and expeditious examination.

Finally, the Examiner has not set forth or provided evidence regarding the existence of a serious burden if the present Restriction Requirement were not made. In this regard, while the Examiner has said there is a burden, the Examiner has provided no evidence of such a burden. In this regard, Applicants note that M.P.E.P. § 803 requires the showing of a serious burden and that, in the absence of such showing, a Restriction Requirement is inappropriate.

Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate. Accordingly, Applicants respectfully request reconsideration and withdrawal thereof together an action on the merits of all the claims in the present application.

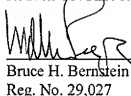
SUMMARY AND CONCLUSION

Applicants have made a sincere to respond to the Examiner's Restriction Requirement and believe that they have done so. Applicants have elected, with traverse, one of the inventions defined by the Examiner. Applicants have additionally traversed the propriety of the Examiner's Restriction Requirement and have provided evidence supporting their position.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding Restriction Requirement together with an examination of all the claims pending in the present application and an indication of the allowability thereof, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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